

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUSTIN MICHAEL VARGAS,

Defendant.

Case No. 1:17-cr-164

**INFORMATION TO ESTABLISH
PRIOR CONVICTION PURSUANT TO
21 U.S.C. § 851(a)(1)**

The United States of America, through its attorney, Christopher C. Myers, United States Attorney for the District of North Dakota, and Dawn M. Deitz, Special Assistant United States Attorney, hereby gives notice to defendant JUSTIN MICHAEL VARGAS, that the United States seeks, pursuant to 21 U.S.C. § 851(a)(1), an enhanced sentence in the above-entitled case under 21 U.S.C. § 841(b)(1)(B), based on Defendant's prior conviction for a felony drug offense which had become final.

In pertinent part, Defendant is charged in this case with:

COUNT ONE: Conspiracy to Distribute and Possess with Intent to Distribute a Controlled Substance (50+ grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance) in violation of 21 U.S.C. § 846.

For a person without a prior felony drug offense, the statutory penalties for each of these three offenses under 21 U.S.C. § 841(b)(1)(A) are: (i) a term of imprisonment from 5 years to 40 years, (ii) a fine of up to \$5,000,000.00, and (iii) a minimum term of supervised release of 4 years.

If a defendant has one conviction for a prior felony drug offense, the statutory penalties under Section 841(b)(1)(A) are: (i) a term of imprisonment of 10 years to life, (ii) a fine of up to \$8,000,000.00, and (iii) a minimum term of supervised release of 8 years.

The defendant, JUSTIN MICHAEL VARGAS, has previously been charged with and convicted of the following prior felony drug offense:

- 1) Possession of a Controlled Substance with Intent to Deliver (Methamphetamine), a felony, on or about September 11, 2012, in Ward County, North Central District Court, North Dakota, Case Number 51-2012-CR-1660.

This is a prior conviction for a felony drug offense that is punishable by a term of imprisonment of more than one year and was final prior to the commission of the offenses charged in this case.

The United States, through this information, gives notice to JUSTIN MICHAEL VARGAS that if convicted of the pending charges in the instant case, he is subject to the increased penalties set forth above.

Dated: August 8, 2017

CHRISTOPHER C. MYERS
United States Attorney

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